

The PRESIDING OFFICER. Is there objection to the sequence of speakers? The Senator from Washington.

Mrs. MURRAY. Reserving the right to object. I ask to amend the request of the Senator to limit each Senator to 15 minutes apiece, under her order. But I also request Senator KENNEDY be inserted after your first two speakers, so the order I believe—your first two speakers were?

Mrs. HUTCHISON. Senator ROBERTS and Senator CHAMBLISS.

Mrs. MURRAY. I ask unanimous consent Senator KENNEDY be allowed 15 minutes after Senator CHAMBLISS.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, Senator INHOFE has been here for several hours as well. He has been waiting patiently, as has Senator SHELBY. I ask if it would be possible to allow the people who are on the floor to be put in an order. If Senator KENNEDY would be able to then come after Senator ROBERTS, Senator CHAMBLISS, Senator SHELBY, and Senator INHOFE?

Mrs. MURRAY. Mr. President, again reserving the right to object, what we do on the floor is allow Senators to go back and forth. Senator KENNEDY has also been waiting. He is not on the floor, but he has been waiting his turn.

I again ask if the Senator will allow us to go ahead and let your two Republican Senators speak, then allow Senator KENNEDY to speak, and then go back to your side of the aisle?

The PRESIDING OFFICER. The Senator from Texas?

Mrs. HUTCHISON. Mr. President, at this point I think I will keep the floor and yield to Senator ROBERTS for 15 minutes and let me talk to Senator MURRAY. I wish to try to accommodate Senator MURRAY, but I will not do that at this time.

I yield up to 15 minutes to Senator ROBERTS.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Parliamentary inquiry: I assume the Senator from Texas can only yield for a question at this time; is that not correct?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Texas withhold for a second. It takes unanimous consent to yield for more than a question.

Mrs. HUTCHISON. Mr. President, I believe the Senator from Washington asked for me to yield to her for a question, and I will yield to her for a question.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, at this time I will object. I will suggest the absence of a quorum—

Mrs. HUTCHISON. Mr. President, I have the floor.

Mrs. MURRAY. Mr. President, I object.

Mrs. HUTCHISON. Mr. President, I have the floor.

The PRESIDING OFFICER. Objection is heard. The Senator from Texas. Mrs. HUTCHISON. Mr. President, I will yield to the Senator from Kansas for a question at this time. For a question only.

The PRESIDING OFFICER. The Senator from Kansas.

#### BRAC

Mr. ROBERTS. Mr. President, I do have a question, and it involves what I believe to be an utter failing by Congress on behalf of our Nation's military men and women. My question to my colleague from Texas is this. I know in Kansas we are at risk of losing \$365 million in regard to BRAC construction. My question would be to the Senator whether the same thing is true in Texas.

I think, probably to put it in perspective, I need to get a little background information so the Senator could reply. That brings attention to why I am bringing a question to the distinguished Senator and why I wished to take the floor for 15 minutes. I hope we don't get into an objection. I certainly have no problem with Senator KENNEDY speaking on any subject. I think he does that very well—and often.

Basically, let me say, with apologies to the Lizzie Borden family, that:

The Democrat House took a continuing resolution axe,  
and gave the military 40 whacks,  
and when they saw what they had done,  
then they gave Kansas 41.

I don't think that is right. I am not here to speak about our military presence in Iraq. We have moved away from the debate on our presence in Iraq. We must now address the issue of support for our troops at home, and that is why I am going to ask the Senator a question, as soon as I give the background in regard to the question I have.

As we have heard some of my colleagues already state today, we are in danger of underfunding military construction associated with BRAC by over \$3 billion—actually it is \$3.1 billion. Should the Senate let this occur, we will have failed our Nation's soldiers and their families.

Why did this occur? Because there was \$6 billion within the military budget, within the Department of Defense, who wanted \$6 billion for BRAC construction. Is that not correct, I ask my distinguished friend?

Mrs. HUTCHISON. The distinguished Senator from Kansas is exactly right. You know, it was pointed out earlier that we had \$1.5 billion in fiscal year 2006, with the implication that we were increasing from that amount in this budget because it has \$2.5 billion. The problem is, in 2006, the money was planning money, now we are trying to actually build the project and we are missing \$3.1 billion. Now we are in the building stage.

Mr. ROBERTS. Basically, if I understand the Senator, we are down to \$2.88 billion, which means if we had a whole

pie and there were six slices, now we are down to less than three. And somehow or other the Department of Defense has to spread that money for BRAC construction to these other projects? That is going to be extremely difficult.

I am trying to figure out why on Earth the House acted in such a fashion. I think it is, if I read the press about this—and I ask the Senator if she would agree—it is that under the banner of "earmark reform," there was at least a theory, by some, that all of the money in the \$6 billion was somehow earmarks.

I ask another question. The \$3.1 billion is the first time in my memory where we have had a breach in the agreement to say we are not going to fund nondefense programs—which are very meritorious and should stand on their own right, and I support many of them—out of the military budget. I can't remember when we have done that.

Mrs. HUTCHISON. The Senator is correct. I have no memory of ever doing that. Of course, there are no earmarks in the BRAC funding. The funding, the \$3.1 billion that was set out was all Department of Defense. They are doing the planning for BRAC, not Congress. There are no earmarks.

Mr. ROBERTS. If I could ask my distinguished colleague one more question? I am going to own up. The \$365 million for Kansas in BRAC construction funding, there were no earmarks to that, no earmarks. That was requested by the Department of Defense and put in the President's budget for projects that are essential for our men and women in uniform when they come back from Iraq.

There were three earmarks in there. They are gone and I understand that. I had one for a childcare center, TODD TIAHRT had one for lighting a ramp on a runway—I don't know what you are going to do if you don't have any lights on a runway when you land—and then there was another vehicle maintenance center at Fort Riley to take all the humvees and vehicles back from the desert and get them fixed up and replenished. They are gone. The rest of it, the \$365 million that is at risk in Kansas, goes for projects in regard to BRAC construction.

I don't know if this happened because of somebody who didn't know what was going on—sheer incompetence or ignorance—or this was political, under the banner that we are going to stop all the earmarks. This is not an earmark.

As a matter of fact, let me ask the Senator from Texas a question. Is not the breach of taking \$3.1 billion from military spending and putting it over into non-Federal spending—isn't that an earmark, a \$3.1 billion earmark by itself?

Mrs. HUTCHISON. It would appear the Senator is correct.

Mr. ROBERTS. Let me go on with a little background about this because I want the Senator to understand how

serious the situation is in Kansas. Should this \$3.1 billion deficit be allowed to move forward and become law, soldiers in Kansas and many other States will suffer greatly. As I said before, \$375 billion—I have been saying \$365 billion. I am \$10 billion short—\$375 million worth of Kansas BRAC-related projects will be put at risk, and there are even more projects at risk in future years if the operational tempo of the Army is disrupted.

I wish to be sure all of our colleagues understand exactly what this shortfall could mean—as it would be in Texas or Oklahoma or any State—what this would mean to our men and women in uniform and their families based in our respective States.

The Combat Aviation Brigade, which is coming to Fort Riley, KS, as a result of the BRAC process, is in danger of losing \$152 million for a complex that will house their barracks, their office space, their hangars, their fueling aprons, and their crash rescue fire station.

This unit, this aviation brigade, is going to deploy to Iraq soon, and they need these facilities when they return. The commanding general at Fort Riley, General Carter Hamm, told me yesterday that if the aviation brigade comes home in 2008 to find these projects incomplete, they will have to live in dated facilities.

What do I mean by dated facilities? We call them the white elephant barracks. They have holes in the walls. There are even rumors they have snakes underneath these barracks.

The general said they will have to live in dated facilities that will provide worse living conditions than the brigade will find in Iraq.

Let me repeat that statement to the Senator from Texas. I don't know if she has a dire situation like this. I will ask her to respond, for our colleagues.

If this construction fails to move forward, members of the air brigade will return to housing at Fort Riley that will be below anything they have experienced in Iraq. Is this the way the Senate wants to treat these soldiers? Does the Senator from Texas have a similar situation, where men and women in uniform coming back will find their housing less than what it was in Iraq? I am incredulous.

Mrs. HUTCHISON. Absolutely incredible. As a matter of fact, 30,000 troops are going to be moving into Fort Bliss. There have been many accommodations begun. But now it is going to stop in its tracks and we are going to have the same situation. We could be having either substandard barracks or worse, it could be tents or mobile homes.

Mr. ROBERTS. Let me ask the Senator another question and give a little background. Not only is the air brigade in danger of losing all of their support facilities—they need a new runway, specifically they need a \$17 million runway. That is in danger of being cut from this \$3.1 billion earmark. That is what I call it—a cut in an earmark

going to nondefense programs. I find it unacceptable to move these people and then inadequately support them when they return home. Fort Riley is also in danger of losing an \$87 million division headquarters, a sustainment brigade headquarters, to support another group of soldiers who will be returning from their current deployment in Iraq. If these facilities are not done by the time they return, they will be required to live in trailers, modular buildings. That is not acceptable. These soldiers are already sacrificing for the Nation. I refuse to ask them to also sacrifice when they return home from a deployment.

Let me mention something else to the Senator. As a result of the BRAC process, nearly 11,000 soldiers and their families have already begun moving back to Fort Riley. This is unprecedented growth. I know at Fort Bliss the situation is somewhat similar. But Fort Riley does not have the support facilities to ensure these soldiers and families have full access to health, dental, and childcare.

Let me ask the Senator from Texas another question, if I could have her attention. At Fort Riley we do not have the facilities to ensure these 11,000 soldiers and their families full access to health, dental, and childcare. Is there a similar situation in Texas?

Mrs. HUTCHISON. Absolutely. Absolutely. We are talking about all the facilities that would accommodate the move of soldiers and their families. So you have childcare facilities—the Senator from Georgia is on the floor and he has essential not only childcare facilities and housing and barracks but training facilities. The reason we are bringing the troops home from Germany is for better training facilities, and at Fort Benning, part of this BRAC funding is for the training facilities that are the upgrades the Department of Defense is trying to give to our men and women for their readiness for their missions.

Mr. ROBERTS. Mr. President, I truly appreciate the response of the Senator from Texas. The reason I ask that is we are losing a \$17.5 million health and dental clinic and a \$5.7 million child development center, which will make an enormous difference in the quality of life in regards to the soldiers coming back.

There is another project I want to mention, and the Senator has brought it up. We need a \$27 million battle command training center. What is that all about? That is 4,000 people going through that center which is going to be improved, who are going immediately to Iraq to serve under General Petraeus to see if that mission can work, and they are following the doctrine General Petraeus laid down at Fort Leavenworth, KS, which is the intellectual center of the Army. This center is necessary for training command, control, and communications functions that are critical to the training of the brigade and division staff. If

you don't want to have them go to Iraq, rest assured they need the training to basically have them prepared for any kind of national security threat in the future.

Another Kansas project in jeopardy of losing funding that is of deep concern to me and should be of deep concern to the Army is the joint regional correctional facility at Fort Leavenworth. This is a little different. I don't know if the Senator has something like this, but I would ask the Senator a question. We need to build a joint regional correctional facility to house prisoners from around the Nation who are moved to Kansas. Currently, the Army is stretched to its limit. It needs these new beds for prisoners, and as the general told me, there is no place to put them.

The Acting Commanding General at Fort Leavenworth, BG Mark O'Neill, told me yesterday, add to the equation that the facility is underfunded at \$68 million—they need \$95 million at a bare minimum. What do we do with the prisoners? That is \$27 million more than was even budgeted.

So the House is saying they will receive zip, nada, zero. Now, that is a correctional facility. I know it doesn't compare to the readiness problem, but with more prisoners and no place to put them, what are we going to do? That is a real problem.

I want to give you some good news, and I am going to ask the Senator if she has a similar situation in Texas. Kansas leaders share my concern. Last night, our Governor Sebelius's Military Council passed a unanimous resolution supporting our efforts to bring this amendment before the Senate.

I ask unanimous consent the letter of support be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNOR'S MILITARY COUNCIL,  
STATE CAPITOL,  
Topeka, KS, February 7, 2007.

Hon. PAT ROBERTS,  
U.S. Senator,  
Washington, DC.

DEAR SENATOR ROBERTS: Today, the Governor's Military Council (GMC) passed unanimously a resolution in support of your amendment to H.J. Res. 20 which would fully restore funding for implementation of the 2005 Base Realignment and Closure (BRAC) round to the level requested by the Administration.

Full funding of the BRAC budget request is critical to military readiness, quality of life, as well as Department of Defense's transformation efforts. Furthermore, failure to fully fund the budget for BRAC will delay implementation of base closure and realignment actions, postponing indefinitely the realization of budget savings resulting from the BRAC round and the completion of BRAC movements for all affected military installations.

The GMC was originally constituted through an Executive Order signed by Governor Kathleen Sebelius as the Governor's Strategic Military Planning Commission (The Commission) in January of 2004 to represent the State of Kansas during the 2005 BRAC process.

In January of 2006, the Commission stood down and the GMC was created by another Executive Order to support the military in the State of Kansas. The GMC's membership consists of 25 individuals from the communities in which the state's four major installations are located, state legislators, the Adjutant General and representatives of the Kansas Congressional Delegation.

We thank you for your leadership on the issue of critical importance to our nation's military and the military installations in the State of Kansas.

Sincerely,

JOHN E. MOORE,

*Chair, Governor's Military Council.*

Mr. ROBERTS. This bipartisan support shows how important these funds are to our military. So underfunding BRAC MILCON by \$3 billion, or even \$1, sends a terrible message to our troops. It tears to shreds the bipartisan support involved with the BRAC process.

Isn't it ironic, I would say to the Senator from Texas, and to you, Mr. President, and to my colleagues, that at a time when many of our colleagues in the House and Senate are saying, bring the troops home now, and everybody wishes we could, these same colleagues in the House—again, either through ignorance or incompetence or politics—apparently do not think it is necessary to provide the facilities that will support these troops and their families.

There is no other option, I say to the Senator from Texas and to my colleagues. I urge the majority leader to support our troops and their families by allowing a vote on this amendment, and I urge my colleagues to support it.

I thank the Senator from Texas for yielding me this time for these many questions.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kansas for pointing out some of the real problems delaying this BRAC funding are going to bring. I hope the distinguished majority leader and the distinguished chairman of the Appropriations Committee will find a way we can move the BRAC military construction forward. It is essential that we do this, and we can do it. We have a week in which we can work out any details that need to be worked out. I think it is very important that we do what is right for our country. We have time to do it. There is no reason not to do it, and we can do it in a fiscally responsible way.

What has been suggested by the distinguished chairman of the Appropriations Committee is that we will handle this in a supplemental, that we will put \$3 billion into the supplemental. But, of course, that means we will be spending \$3 billion outside of the budget and added to the deficit, which is not necessary. We can fix this with a very small cut across the board of all of the projects in the bill, except for Defense, Homeland Security, Veterans. I think anyone can put together a program that has less than a 1-percent cut, and I think most people would say our pri-

orities should be the active-duty military, that we should have the ability to put the housing and the childcare centers and the training facilities in place that would accommodate the needs of the military. My goodness, look what our military people are doing for us and for our country.

The idea that we wouldn't give them what they need to do the job, and when they come home, to have a place to stay and live and do their training so they can be the very best, would be unthinkable. It would be unthinkable. So I do hope we can go forward. I don't remember ever taking up an Omnibus appropriations bill with no amendments in order. I hope it will be possible that we will be able to take it up in the normal process—or maybe not even the normal process. We would settle for not normal, but for some number of amendments.

#### ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I would propound a unanimous consent request. I ask unanimous consent that during the period of morning business, Senators be permitted to speak therein for up to 10 minutes each, and that the following Senators be recognized in this order: Senators HUTCHISON, INHOFE, CHAMBLISS, KENNEDY, and LEAHY; and following that, Senator SHELBY be recognized for up to 45 minutes; and that after this sequence, the sides alternate where appropriate.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, reserving the right to object, this is, as I am sure the Senator from Texas knows, somewhat unusual, and not the way this is normally done. Normally we would alternate from side to side. I have actually discussed this with some of the Senators on her side. However, in the interests of at least having some idea of where we are going to go so we won't have to do the procedural fix of having Senators stand up and propound speeches that are put in the form of a question as we have been seeing here for some time, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The unanimous consent request is granted.

Mrs. HUTCHISON. Mr. President, my remarks will not last 10 minutes, and I hope the Senator from Georgia will be able to have his time in turn, because he has been waiting for quite a long time.

#### ACCOMMODATING THE NEEDS OF THE MILITARY

Mrs. HUTCHISON. Mr. President, what we are asking with the amendment I have tried to put forward but which was ruled out of order is to simply restore the \$3.1 billion that was cut from the Base Closing Commission military construction. We cut—not we, but the bill that is on the floor that we are not able to amend—\$3.1 billion out

of the Base Closing Commission military construction funding. Our amendment, the Hutchison-Inhofe amendment, has 27 cosponsors. That is almost one-third of the Senate, and there are many who said they would like to sponsor the amendment but in deference to their leadership did not feel they could, because so many States have major projects in this BRAC military construction funding.

These are not projects that any Member of Congress put in this bill or in the bill that passed the House and Senate. These are the Department of Defense projects, for them to be able to meet the congressionally mandated deadline of 2011 for finishing the BRAC process. So they are projects that were selected in order of priority by the Department of Defense. There is not one earmark, not one congressional add in the military construction budget that we are trying to restore. We are trying to restore the budget we have already passed so the Department of Defense can meet the deadline we have set.

I think this amendment should be in order. It is my great hope that the distinguished leader and the distinguished chairman of the Appropriations Committee will allow it to go forward with no further delay, because there is going to be a delay if we wait until the supplemental. Not only will the \$3 billion be outside of the scope of the budget and add \$3 billion more to the deficit, but it will, in fact, delay the building projects for yet another 2 months, which will be a whole half year that the Department of Defense will be strapped for the funds to do what it needs to do to have its synchronized movement of troops be able to accomplish what they are trying to accomplish.

I hope we will have a reconsideration. I hope the House will work with us. We have a whole week to do it. We have done things in 24 hours that were harder than this, and I believe that delaying the return of 12,000 troops to facilities they deserve to have is not a good bargain. So I am very hopeful we will eventually have true bipartisanship in the Senate, true bipartisanship in the Appropriations Committee, which has been the tradition in the Senate for all these years. I ask that the majority in leadership help work with us to accommodate the needs of the military.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma is recognized for 10 minutes.

Mr. INHOFE. Mr. President, let me inquire as to how much time is left open from the 10 minutes of the Senator of Texas?

The PRESIDING OFFICER. There is 5 minutes 40 seconds.

Mr. INHOFE. Mr. President, I ask unanimous consent that those 5 minutes be divided between myself and Senator CHAMBLISS.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.